



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Arnold S. Lipka; Joseph W. Epstein

Serial No.: 10/764,375

Group Art Unit: 1626

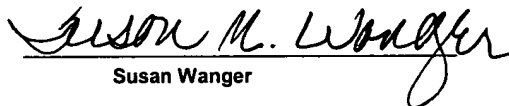
Filing Date: January 23, 2004

Examiner: Taofiq A. Solola

For: (-)-1-(3,4-DICHLOROPHENYL)-3-AZABICYCLO[3.1.0]HEXANE,  
COMPOSITIONS THEREOF, AND USES AS A DOPAMINE-  
REUPTAKE INHIBITOR

I, Susan Wanger certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop RCE, the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

On November 14, 2005.

  
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**RESPONSE**

Further to the Notice of Appeal filed September 14, 2005, to the Amendment submitted on August 3, 2005, and to the Advisory Action dated August 30, 2005, Applicants respectfully request reconsideration of the application in view of the following remarks. A Request for Continued Examination and the appropriate fee are submitted herewith.

**Patentability Under 35 USC § 103**

Claims 53-62 are rejected under 35 USC § 103(a) as allegedly unpatentable over Miller et al., J. Chrom. A, (1999) Vol. 865, pp. 211.

Applicants respectfully submit that the subject matter of claims 53-62 is neither disclosed nor suggested by Miller et al., for reasons set forth herein and otherwise of record in the application (see, e.g., Amendment dated August 3, 2005, incorporated herein).

Although Miller et al. report preparative chromatographic resolution of enantiomers of six different compounds using polysaccharide chiral stationary phases, this publication fails to disclose the structure of any of the reportedly-resolved compounds. Furthermore, the separation conditions needed to resolve these six compounds of unknown structure were quite